

Bellingham Planning Board
Town Hall Annex
Bellingham, Mass.

Regular Meeting - October 28, 1982
Members Present - Carl Rosenlund, Chairman
Sergio Rotatori, Vice Chairman, Clerk
Joan M. King
Bert Boiteau
John P. Murray

The meeting was called to order by Chairman Rosenlund at 7:35 P.M. Members reviewed the mail. On a Rotatori/Murray motion the Board voted 5-0 to pay the bills of: Milford Daily News \$72.00 for the two notices of public hearing special permit request of Edmund LaPointe to cluster develop off Maple St.; Woonsocket Call \$73.92 for the two notices of public hearing special permit request of Edmund LaPointe to cluster develop off Maple St.; Philip Herr \$900.00 for consultant fee; Philip Herr \$25.00 for 10 copies of Zoning Bylaws; secretary's salary \$120.00. The bill from Mass. Federation of Planning Boards of \$36.00 for annual meeting reservations to be returned to them as no members made reservations.

Chairman Rosenlund read Phil Herr's letter of October 5, 1982 regarding consultant services for the period July 1, 1982 through June 30, 1983. All members agreed to retain Mr. Herr and expressed their appreciation for the good work he has done. On a Murray/Rotatori motion the Board voted 5-0 to sign the agreement with Mr. Herr for the ensuing year.

At 7:50 P.M. Mr. & Mrs. Fred Bozek approached the Board with an approval not required plan. Members reviewed the plan. On a Murray/Rotatori motion the Board voted 5-0 to approve the plan. Mrs. Bozek paid the \$10.00 filing fee to the secretary. All members signed the plan.

8:00 P.M. PUBLIC HEARING FOR SPECIAL PERMIT - EDMUND J. LAPOINTE, ET AL

Mr. Rosenlund opened the hearing on the application of Mr. LaPointe for a special permit to cluster develop 10 lots off Maple Street containing 24.6 acres within an agricultural district. The secretary read the notice as it appeared in the newspapers.

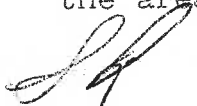
Mr. Rosenlund asked if all parties in interest were notified and if there were any notices returned. The secretary confirmed that all parties in interest were notified, and there was one return. That being to Philip & Cynthia Dyke, Jr., 9 Pheasant Run, Milford, Mass. Not deliverable as addressed, unable to forward. List of property owners and addresses provided by the Assessor's Office.

Mr. LaPointe presented his check for \$125.92 which was to cover the cost of advertising.

Mr. Rosenlund pointed out that the full Board will be sitting in on this request for a special permit. It requires 4 out of the 5 for an affirmative vote. Mr. Rosenlund introduced Phil Herr, consultant to the Board, stating that Mr. Herr had already reviewed the plan.

26 people in attendance.

Mr. Rosenlund called upon the applicant to make his presentation as to why he wants a cluster development. Fred Stavinski of Stavinski Engineering, representing Mr. LaPointe, opened the discussion. With the aid of 3 map plans displayed across the wall he discussed the topography of the area showing the lot plan arrangements.



Mr. Stavinski stated that the application for cluster development was being made basically for 3 reasons. First, the land abutts the landfill and they do not consider it desirable to abutt residential lots to the landfill. Secondly, a taking was made by the Town of Bellingham against Mr. LaPointe for the landfill. A most desirable section of land was taken for an entrance to the landfill. That same section of land offered Mr. Lapointe his access to his property. (Mr. Stavinski pointed out the section of land as shown on the map plan). The area for a proposed roadway to LaPointe's property which Mr. Stavinski refers to as a "kettle hole" would be the only place they could come in. He explained "kettle hole" described as nothing coming in and nothing going out, no brook, pond, or stream except watershed around it. He also explained the contours as imaginary lines on the surface of the earth, all points of which are at the same elevation. Mr. Stavinski said he had discussed with the Board, informally, possible roadway which, however, only gives them 50 ft.

Mr. Stavinski said that Mr. LaPointe had talked to abutters Munroe and Martin concerning easement rights and they have agreed to allow a right of way across their property. They are desirable of having the roadway abutt their property so that there is no hiatus between them.

The third reason, Mr. Stavinski said is the septage area. With the roadway going towards the end and all the lots going towards the end, and it would be subdivided, and he said another sketch would be shown later on what it would look like with 80,000 sq. ft. lots.

Mr. Stavinski pointed out the ponding area as well as the septage area. He said that subdividing lots through the ponding area would make the lots very desirable to have certain percentage. His proposal was 10%.

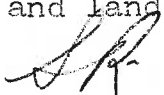
Mr. Stavinski discussed road drainage. One roadway would drain back into the "kettle hole". The rest of the roadway would drain out toward an easement between lot 6A. The additional roadway would also drain from the end of the cul de sac over to the catch basins to the manhole, once again out through the easement into the ponding area.

Mr. Stavinski said the contour and locations seen on the plan are definitive and the 10 lots that are shown are in a cluster fashion and not in accordance with the agricultural regulations. They are proposing 10 lots. The land shown as common open land they are proposing to deed to the Town and not to the development.

Attorney Frank Gross, 15 Rockwood Rd., Norfolk, Mass. representing Edmund LaPointe spoke about the common area planned out by Mr. Stavinski. He said that the common land deeded to the Town of Bellingham would be a significant advantage to the Town. That it would be a significant buffer between any residential development and the landfill.

Mr. Murray asked what is the total acreage. Mr. Gross said 24.6 acres. The acreage to be developed would be 14. Mr. Gross pointed out that abutters Munroe and Martin agreed to give Mr. LaPointe an easement to construct a road and he in turn agreed to fill their land up to grade level.

Mr. Herr reviewed the maps and with an overlay showed the various areas of topography. He expressed one difficulty in that his version of the map does not show the taking the Town has made. However, the Assessor's map did show the area of taking. Mr. Herr explained that with an overlay it helps in visualizing what is proposed. The two wet areas were shown and land that is in excess of the slope limit that is established in the



bylaw for this kind of development. The land proposed as open space was shown and the part that the applicant proposes to build on. He feels that most of the open space is quite steep, approximately 25%. Regarding the open space, Mr. Herr feels that the Conservation Commission should be brought into the discussion. There may be some concern about a piece of open space that does not appear to be useful for recreation but may be useful for conservation.

The location of houses and the length of roadway was discussed. A longer road would mean more road for the Town to maintain and more utilities. Mr. Herr is in agreement with the 10 lots as proposed after some study. He also feels that the mechanics of the Bylaws is satisfied by that proposal.

Mr. Herr said he feels the major choice would revolve around whether the Town's interests are served by having that open space deeded as opposed to simply being the back end of individual's lots.

Mr. Rosenlund stated that he had received a letter from Mr. Holmes of the Conservation Commission. He read the letter dated October 27, 1982 in which determination had been made after a review that significant wetlands are involved and request is made that Mr. LaPointe submit a Notice of Intent under the Wetlands Act before the project is started..

Mr. Murray asked how this plan could be considered superior to the conventional plan. Mr. LaPointe referred to the common open land which was proposed to deed to the Town. He then referred back to the three reasons previously discussed.

Mr. Herr, referring to the open space, pointed out that we haven't heard from the Conservation Commission or anyone else whether the Town wants the open space, but cautions that a 10 member homeowners association taking charge of common open space that is not really useful for recreation is a questionable enterprise. They don't really care.

Mr. Barrows, Board of Health feels that it would be a good idea for the Town to accept the open land. It does abutt our lagoons. It does abutt our landfill garage.

Mr. Rosenlund said that under cluster development if the Board votes in favor and in fact dictates that the open space be given to the Town that space cannot be utilized for construction or expansion but must remain open space.

Addressing Mr. Holmes of the Conservation Commission, Mr. Rosenlund asked whether he sees any benefit or value to that open land.

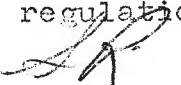
Mr. Holmes said it would be of benefit since it is wetlands. It cannot be used and any infringement on wet areas can cause flooding in areas not desired and could contaminate the water. Conservation is a possibility.

Larry Cibley asked whether the open space being considered is what Mr. Holmes is referring to as wetlands.

Mr. Herr said what the engineer has documented is the number of sq. ft. of upland on each lot is and his figure seemed reasonable. His figures show there is enough upland on each lot that would comply or qualify.

Addressing Mr. Barrows, Mr. Rosenlund raised the question as to whether building could be done within 1,000 ft. of the lagoon. The lagoon presently abutts the property as proposed.

Mr. Barrows agreed to solicit information from the DEQE concerning this regulation.



Mrs. Rosemond Staples came before the Board representing her mother presented maps showing that she has deeds showing that their property line goes through the proposed lots and that the lagoons are sitting on top of part of it. She told of going to Mr. Ambler before the lagoons were put in and he told her there would be no private land involved. Discussion was held concerning right of way. Further checking is required on this matter.

LaPoint said he is will to give Burr a right of way. That he does not intend to landlock anyone.

Arthur Gosselin approached the Board stating that he did not receive a notice of this meeting. However, he did receive one as established by Mr. Rosenlund since he is present at the hearing and he is listed on the abutters list.

Mr. Boiteau asked Mr. Gosselin if the letter was addressed to him. Mr. Gosselin replies, "yes, it was"

Mr. Rosenlund asked whether anyone wishes to speak in favor of or in opposition to the applicant's request. He pointed out that the discussion would be whether it should be a conventional plan vs. the cluster development.

Bruce Lord inquired as to what the advantage to the Town would be in cluster zoning, which was previously discussed and further explained by Mr. Rosenlund.

Arthur Gosselin said he is concerned because he has a well that is near LaPointe's proposed new road and the possible effects.

Mr. Stavinski explained the plan of roadway using the map to clarify his points.

Mr. Rosenlund requested that Mr. Gosselin provide a plot plan of his lot showing where the well is located.

Mrs. King asked whether there would be any bearing as to the price of the house on the conventional plan vs. cluster. Also that the town might be better off letting the open space go and THUS be able to collect the tax on it.

Following discussions and no decisions can be reached pending receipt of additional information, Mr. Rosenlund suggested that a continued hearing.


On a Rotatori/King motion the Board voted 5-0 to continue the public hearing to December 9, 1982 at 8:00 P.M.

Mr. Rosenlund requested the secretary to inform those on the abutters by mail of the date of the continued hearing.

Regarding Flood Plain, Mr. Rosenlund asked Mr. Herr to forward a brief letter explaining the flood plain insurance sometime before the Dec. 1st Special Town Meeting.

Gerald Brisson approached the Board with an approval not required plan. The Board reviewed the plan which is a swapping of a part of his land with his brother in order to square off their respective lots. However, Mr. Brisson did not have the Form A required and will return at the next meeting, with the Form A and \$10.00 fee. The Board on a Rotatori/Boiteau motion voted 5-0 to approve the plan. Mr. Rosenlund pointed out to Mr. Brisson that the plan can be signed at the next meeting.

On Site Plan Review, Mr. Rosenlund expressed that it would be desirable to have input from the Business Mens' Association or any groups of individuals when the Board is to take action on zoning changes.



Mr. Herr said that the last time he was in attendance the Board discussed to specific concerns that were expressed. 1. Whether making it applicable to cases involving 10 parking spaces rather than 20 was a good idea and 2. The question of whether the procedures for cases which involved only incidental earth removal couldn't be made simpler.

Mr. Herr said he was asked to draft a revision on these items and he presented these to the Board. Following a discussion site plan review it was determined the the revised article can be submitted to Special Town Meeting with the changes. The revised date being Oct. 28, 1982.

The article on Business Buffers was presented by Mr. Rosenlund. There were no objections voiced on this.

Earth removal incidental to construction was discussed. Mr. Rosenlund pointed out that this would help safeguard the amount of earth removed. It is not to be too restrictive.

On a Boiteau/King motion the Board voted 4-0 to recommend to the Town Meeting the article as it appears, with the changes. John Murray voted to abstain.

Mr. Murray said the reason he abstained is because of a technicality. Mr. Herr pointed out that the warrant is still not closed and recommends it be put in the warrant with this change. There is no reason not to.

Mr. Rosenlund to take the new article on site plan review to Barbara Jerrier with the changes.

Referring to the Site Plan Review, Bruce Lord, representing the Business Mens' Association questioned the advantage to the Town, outside of control over a piece of property, concerning earth removal. Mr. Lord also felt the Board might be going to the other extreme where someone removing any earth has to come before the Board for a permit, siteing that there would be considerable delay to the builder involving getting permits. He felt that obstacles were being created.

Noting no further discussions members voted on Boiteau/King motion to hold the next meeting on Wednesday, November 10, 1982 No meeting will be held the week of Thanksgiving.

In further business, Mr. Herr presented to the Board articles on Back Lot Division, Accessory Truck Service, Old Lot & Yard Requirements. Also the copies of Application for Special Permit for Mr. Remillard. The secretary to retype Form A with copies to be given to Town Clerk and Selectmens Office.

On a Boiteau/Rotatori motion the Board voted 5-0 to adjourn.

Adjournment at 11:20 P.M.

Respectfully submitted,


Sergio Rotatori, Clerk